

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

DANIEL F. HUNT,

Plaintiff,

v.

**CIVIL ACTION NO. 2:07 CV 81
(Maxwell)**

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

ORDER

It will be recalled that the above-styled social security appeal was instituted on October 11, 2007, with the filing of a Complaint by Plaintiff Daniel F. Hunt.

It will further be recalled that the case was referred to United States Magistrate Judge James E. Seibert in accordance with Rule 83.12 of the Local Rules of General Practice and Procedure.

The docket in the above-styled social security appeal reflects that the Defendant filed a Motion For Remand on December 18, 2007.

On December 20, 2007, Magistrate Judge Seibert entered a Report And Recommendation That Motion For Remand Be Granted (Docket No. 5) wherein he recommended that the Defendant's Motion For Remand be granted and that the case be remanded to the Commissioner of Social Security for further administrative review. In said Report And Recommendation, the parties were directed, in accordance with 28

U.S.C. §636(b)(1) and Rule 6(e) of the Federal Rules of Civil Procedure, to file any written objections thereto with the Clerk of Court within ten (10) days after being served with a copy of said Report And Recommendation. Magistrate Judge Seibert's Report And Recommendation expressly provided that a failure to timely file objections would result in waiver of the right to appeal from a judgment of this Court based thereon.

The docket in the above-styled civil action reflects that no objections to Magistrate Judge Seibert's December 20, 2007, Report And Recommendation That Motion For Remand Be Granted have been filed.

Upon consideration of said Report and Recommendation That Motion For Remand Be Granted, and having received no written objections thereto¹, the Court accepts and approves the Report And Recommendation That Motion For Remand Be Granted. Therefore, it is

ORDERED that Magistrate Judge Seibert's Report And Recommendation That Motion For Remand Be Granted (Docket No. 5) be, and is hereby, **ACCEPTED** in whole and that this civil action be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, it is

ORDERED that the Defendant's Motion For Remand (Docket No. 4) be, and the

¹The failure of the parties to object to the Report And Recommendation not only waives their appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).

same is hereby, **GRANTED** and the above-styled civil action be, and the same is hereby, **REMANDED** to the Commissioner of Social Security for further administrative review pursuant to the sixth sentence of 42 U.S.C. § 405(g).

The Clerk of Court is directed to transmit copies of this Order to counsel of record herein.

ENTER: May 14, 2008

/s/ Robert E. Maxwell
United States District Judge